
By: **Senator Grosfeld**

Introduced and read first time: January 28, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Board of Contract Appeals - Appointments, Qualifications,**
3 **and Term of Office**

4 FOR the purpose of altering the term of office for a member of the State Board of
5 Contract Appeals; requiring a member of the Appeals Board to be authorized to
6 practice law in the State; altering the procedure for appointing an Appeals
7 Board member; establishing an Appeals Board Nominating Committee;
8 providing for the membership of the Committee; making a stylistic change;
9 requiring the Committee, in the event of a vacancy on the Appeals Board, to
10 solicit, interview, and evaluate certain candidates, compile a certain list of
11 qualified candidates, and submit the list to the Governor; requiring the
12 Governor to nominate a candidate from the list for the vacancy or request that
13 the Committee compile and submit another list; providing for reimbursement
14 for the expenses of a Committee member; providing for the staff of the
15 Committee; making a stylistic change; providing for the application of this Act;
16 and generally relating to the State Board of Contract Appeals.

17 BY repealing and reenacting, with amendments,
18 Article - State Finance and Procurement
19 Section 15-207
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - State Finance and Procurement**

25 15-207.

26 (a) The Appeals Board consists of [3] THREE members appointed by the
27 Governor:

1 (1) FROM A LIST OF ELIGIBLE CANDIDATES SUBMITTED BY THE
2 APPEALS BOARD NOMINATING COMMITTEE UNDER SUBSECTION (F) OF THIS
3 SECTION; AND

4 (2) with the advice and consent of the Senate.

5 (b) Each member of the Appeals Board shall:

6 (1) be qualified to serve in a quasi-judicial capacity; [and]

7 (2) BE AUTHORIZED BY THE COURT OF APPEALS TO PRACTICE LAW IN
8 THE STATE; AND

9 (3) have a thorough knowledge of procurement practices and processes.

10 (c) Before taking office, each appointee to the Appeals Board shall take the
11 oath required by Article I, § 9 of the Maryland Constitution.

12 (d) (1) The term of a member is [5] 10 years.

13 (2) The terms of members are staggered as required by the terms
14 provided for members of the Appeals Board on October 1, [1988] 2004.

15 (3) At the end of a term, a member continues to serve until a successor is
16 appointed and qualifies.

17 (4) A member who is appointed after a term has begun serves only for
18 the rest of the term and until a successor is appointed and qualifies.

19 (e) The Governor may remove a member of the Appeals Board for cause.

20 (F) (1) THERE IS AN APPEALS BOARD NOMINATING COMMITTEE.

21 (2) THE COMMITTEE CONSISTS OF FIVE MEMBERS AS FOLLOWS:

22 (I) A RESIDENT OF THE STATE FROM THE CONTRACTOR
23 COMMUNITY, APPOINTED BY THE GOVERNOR;

24 (II) A MEMBER OF THE MARYLAND STATE BAR ASSOCIATION WITH
25 EXPERTISE IN PUBLIC CONTRACTS LAW, APPOINTED BY THE GOVERNOR;

26 (III) A MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE OF
27 MARYLAND;

28 (IV) A MEMBER APPOINTED BY THE SPEAKER OF THE MARYLAND
29 HOUSE OF DELEGATES; AND

30 (V) A MEMBER APPOINTED BY THE STATE ATTORNEY GENERAL.

31 (3) IN THE EVENT OF A VACANCY ON THE APPEALS BOARD, THE
32 COMMITTEE SHALL:

- 1 (I) SOLICIT QUALIFIED CANDIDATES FOR THE VACANCY;
- 2 (II) INTERVIEW AND EVALUATE CANDIDATES WHOM THE
3 COMMITTEE DETERMINES TO BE MOST QUALIFIED;
- 4 (III) COMPILE A LIST OF THE THREE MOST QUALIFIED CANDIDATES;
5 AND
- 6 (IV) SUBMIT THE LIST OF CANDIDATES TO THE GOVERNOR.
- 7 (4) ON RECEIPT OF A LIST OF CANDIDATES FROM THE COMMITTEE, THE
8 GOVERNOR SHALL:
- 9 (I) NOMINATE ONE OF THE CANDIDATES ON THE LIST TO FILL THE
10 VACANCY ON THE APPEALS BOARD; OR
- 11 (II) REQUEST THAT THE COMMITTEE COMPILE AND SUBMIT
12 ANOTHER LIST OF THREE CANDIDATES FOR THE VACANCY.
- 13 (5) ON REQUEST BY THE GOVERNOR, THE COMMITTEE SHALL COMPILE
14 AND SUBMIT ANOTHER LIST OF THREE CANDIDATES TO THE GOVERNOR.
- 15 (6) A MEMBER OF THE COMMITTEE:
- 16 (I) MAY NOT RECEIVE COMPENSATION; BUT
- 17 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
18 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 19 (7) THE APPEALS BOARD SHALL PROVIDE STAFF SUPPORT FOR THE
20 COMMITTEE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
22 concerning the qualifications and the term of office for a member of the Board of
23 Contract Appeals may not be construed to apply to members of the Board in office on
24 the effective date of this Act, but the provisions of this Act concerning the
25 qualifications and the term of office for a member of the Board shall take effect at the
26 beginning of the next following term of office for each member.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2004.